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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

COLLEZIONE EUROPA USA, INC., a New Jersey corporation,

Plaintiff,

v.

AMINI INNOVATION CORPORATION, a California corporation,

Defendant.

AMINI INNOVATION CORPORATION, a California corporation,

Counterclaim-Plaintiff,

v.

COLLEZIONE EUROPA, USA, INC., a New Jersey corporation, LEONARD FRANKEL, an individual, and PAUL FRANKEL, and individual,

Counterclaim-Defendants.

Case Nos. 06-4929 (GEB) ES  
07-3161 (GEB) ES

Hon. Garrett E. Brown, Jr.

*gms*  
**~~PROPOSED~~ STIPULATED CONSENT  
JUDGMENT, STIPULATED PERMANENT  
INJUNCTION, AND STIPULATION OF  
DISMISSAL BETWEEN COLLEZIONE  
EUROPA USA, INC. AND AMINI  
INNOVATION CORPORATION**

Amini Innovation Corporation (“AICO”) and Collezione Europa USA, Inc. (“Collezione”), hereby submit this [Proposed] Stipulated Consent Judgment, Stipulated Permanent Injunction, and Stipulation of Dismissal with prejudice.

### **Statement of Facts**

1. Amini Innovation Corporation (“AICO”) had designed for it, markets, and sells home furnishings, including its Cortina and Excelsior collections.

2. As part of its intellectual property portfolio, AICO is the owner of United States Copyright Registrations covering the ornamental carvings on the following furniture items, as well as United States Design Patents covering the non-functional, ornamental features of the following furniture items:

**TABLE 1**

<b>AICO FURNITURE ITEM</b>	<b>COPYRIGHT / DESIGN PATENT</b>
LaFrancaise entertainment wall	VA 1-214-792
Eden poster bed	VA 1-198-469 / D487,363
Eden dresser with mirror	VA 1-198-467 / D487,548
Eden nightstand	VA 1-198-470 / D486,980
Eden china cabinet/buffet	VA 1-198-471 / D487,202
Cortina entertainment wall	VA 1-387-514
Cortina sleigh bed headboard	VA 1-306-206 / D536,558
Cortina sleigh bed footboard	VA 1-314-234 / D535,507
Cortina dresser	VA 1-306-205 / D530,538
Cortina dresser mirror	VA 1-306-204 / D524,060
Cortina armoire	VA 1-623-887
Cortina night stand	VA 1-623-886
Cortina dining room table	VA 1-306-207 / D539,058
Tresor bed	VA 1-302-359
Tresor dresser	VA 1-302-358
Tresor dresser mirror	VA 1-302-357

3. Collezione commenced this action on or about October 13, 2006 as a declaratory relief action and alleging several business torts as well.

4. Collezione filed an amended complaint on or about October 23, 2006.

5. On or about October 12, 2007, the Court in New Jersey granted in part AICO's motion to dismiss certain of Collezione's claims (counts III, IV, and VII) in its amended complaint.

6. AICO's operative pleadings are its Answer and Affirmative Defenses in Docket Entry No. 42 on December 28, 2007, and its Second Amended Counterclaim in Docket Entry No. 75 filed on September 9, 2009 in which it alleges that Collezione infringed certain of AICO's copyrights and/or design patents, as well as other related claims. The copyrights and/or design patents asserted by AICO, and the corresponding infringing Collezione furniture products are as follows:

**TABLE 2**

<b>COLLEZIONE FURNITURE ITEM</b>	<b>AICO INTELLECTUAL PROPERTY</b>
E6500 entertainment wall	LaFrancaise entertainment wall copyright
B40000 poster bed	Eden poster bed copyright and design patent
B40000 dresser with mirror	Eden dresser with mirror copyright and design patent
B40000 nightstand	Eden nightstand copyright and design patent
D40000 china cabinet/buffet	Eden china cabinet/buffet copyright and design patent
E67900 entertainment wall	Cortina entertainment wall copyright
B67900 sleigh bed headboard	Cortina sleigh bed headboard copyright and design patent
B67900 sleigh bed footboard	Cortina sleigh bed footboard copyright and design patent
B67900 dresser	Cortina dresser copyright and design patent
B67900 dresser mirror	Cortina dresser mirror copyright and design patent
B67900 armoire	Cortina armoire copyright
B67900 night stand	Cortina night stand copyright
D67900 dining room table	Cortina dining room table copyright and design patent
B42000 bed	Tresor bed copyright
B42000 dresser	Tresor dresser copyright
B42000 dresser mirror	Tresor dresser mirror copyright

7. As a result of a settlement of this action as between Collezione and AICO, Collezione and AICO have stipulated and agreed to the terms of the consent judgment, permanent injunction, and dismissal set forth below.

8. The settlement agreement between Collezione and AICO does not pertain to Counterclaim-Defendants Leonard Frankel and Paul Frankel.

**WHEREFORE, IT IS HEREBY ORDERED, DECREED, AND ADJUDGED AS FOLLOWS:**

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367, and Collezione and AICO agree that personal jurisdiction and venue are proper for purposes of this case.

2. AICO's copyrights and design patents set forth in Table 1 above are valid, subsisting, and enforceable.

3. The Collezione furniture items listed in the left-hand column of Table 2 infringe the corresponding AICO's copyrights and patents listed in the right-hand column of Table 2 as well as in Table 1. Collezione is liable therefor in the amount of \$200,000.00, which amount shall be allowed as a general unsecured claim in Collezione's Chapter 11 bankruptcy case pending in the United States Bankruptcy Court for the District of New Jersey as Case No. 08-13599.

4. Effective immediately, Collezione, its owners, officers, agents, employees, representatives, and all persons in active concert or participation with any of them, shall immediately cease all manufacture, use, importing, distributing, marketing, advertising, publicly displaying, trade show displaying, internet displaying, offering for sale and/or selling: (a) any

furniture items the same or substantially similar in appearance to the furniture items shown in the copyrights and design patents listed in Table 1 above; (b) any furniture items within the scope of the copyrights design patents set forth in Table 1 above; and, (c) any furniture items that appear the same or substantially similar to Collezione furniture items E6500 entertainment wall, B40000 poster bed, B40000 dresser with mirror, B40000 nightstand, D40000 china cabinet/buffet, E67900 entertainment wall, B67900 sleigh bed headboard, B67900 sleigh bed footboard, B67900 dresser, B67900 dresser mirror, D67900 dining room table, B42000 bed, B42000 dresser, B42000 dresser mirror, whether or not such furniture items have the same model numbers.

5. This injunction shall remain in effect until the copyrights and/or design patents expire or are declared invalid by a Court of Law.

6. The above-captioned action as between Collezione and AICO is hereby dismissed in its entirety, with prejudice, except that any remaining claims in this action between AICO and Leonard Frankel and Paul Frankel shall not be prejudiced by such dismissal.

7. Collezione and AICO shall bear their own respective costs, expenses and attorneys' fees incurred in connection with the above-captioned action.

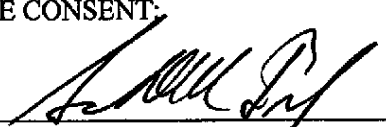
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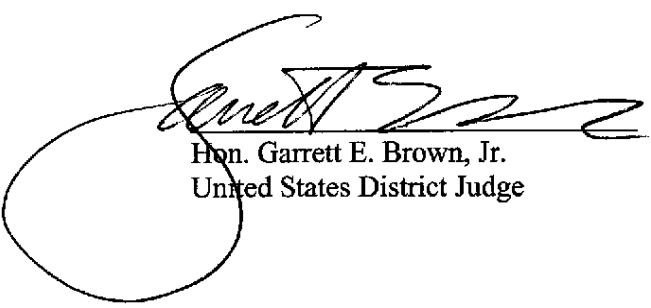
8. The foregoing reflects a settlement of this action pursuant to the terms of a separate Settlement Agreement between Collezione and AICO, and the Court retains jurisdiction for purposes of enforcing the settlement and this Consent Judgment and Permanent Injunction between Collezione and AICO.

Respectfully submitted,

<p>WE CONSENT:</p> <p><u>s/Janyce M. Wilson</u></p> <p>Janyce M. Wilson, Esq. ASCIONE &amp; WILSON 226 St. Paul Street Westfield, New Jersey 07090 Telephone: (908) 654-8000</p> <p><i>Of Counsel:</i> Daniel M. Cislo, Esq. Mark D. Nielsen, Esq. CISLO &amp; THOMAS LLP 233 Wilshire Boulevard, Suite 900 Santa Monica, California 90401 Telephone: (310) 451-0647</p> <p>ATTORNEYS FOR AMINI INNOVATION CORPORATION</p>	<p>WE CONSENT:</p> <p></p> <p>Thomas M. Walsh, Esq. Sam Della Fera, Esq. TRENK, DIPASQUALE, WEBSTER, DELLA FERA &amp; SODONO, P.C. 100 Executive Drive, Suite 100 West Orange, NJ 07052 Telephone: 973-243-8600</p> <p>ATTORNEYS FOR THE LIQUIDATION TRUSTEE FOR THE POST- CONFIRMATION ESTATE OF COLLEZIONE EUROPA USA, INC.</p>
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IT IS SO ORDERED.

Date: March 3, 2010

  
Hon. Garrett E. Brown, Jr.  
United States District Judge